

**MINUTES**  
**TOWN OF EAST FISHKILL**  
**TOWN BOARD MEETING**  
**DECEMBER 8, 2016**  
**7:00 p.m.**

**REGULAR BOARD MEETING**

The Town of East Fishkill's Town Board Meeting on December 8, 2016 was called to order at 7:00 p.m. by Supervisor John Hickman, Jr. with the Pledge of Allegiance to the Flag.

**Supervisor's Announcements**

Supervisor Hickman thanked the American Legion Post 1758 for the memorial service for the 75<sup>th</sup> Anniversary of Pearl Harbor. It was a very nice ceremony. He also thanked Senator Sue Serino for stopping in.

Frank Augusta works in the Recreation Department and he is retiring at the end of the year. We want to wish him the best and thank him for his years of service.

**Roll Call:** Supervisor Hickman asked Town Clerk Hurray to call the rolls.

Board Members in Attendance were

Peter	Nicolas	Thomas	Emanuele	John
Cassidy	D'Alessandro	Franco	Marinero	Hickman

Also in attendance were:

Tom Wood, Attorney; and Mark Pozniak, Comptroller.

**Approve Minutes:**

October 27, 2016

Motion to approve the minutes from the October 27, 2016 meeting: Board Member Cassidy. Seconded: Board Member D'Alessandro. All voted in favor. Motion carried.

**Receive and File:**

Supervisor Hickman stated there was nothing.

**Public Comments on Agenda Items Only:**

Supervisor Hickman asked if there was anyone to speak on the agenda items only. There was no one.

**Public Hearing:**

1. Rezone Application for Grid #6458-04-695224 – Eyetooth Corporation

Supervisor Hickman stated this application was made a few months ago and has been sent to the Planning Board for their review. They did review it and approved of the re-zone. They also recommended that the Town review all parcels currently in split zones and consider rezoning them to eliminate that. This is a practice that was done in the 1960s and the Town has done several of these rezoning applications. He suggested sitting down with the Planner in 2017 to review these parcels. They did receive notice from DC regarding this application and they don't have any issues.

Motion to open the Public Hearing: Board Member Franco. Seconded: Board Member Cassidy. All vote in favor. Motion carried.

Supervisor Hickman asked if there was anyone in the audience to speak for or against this application. There was no one. Supervisor Hickman asked if there were any questions or comments from board members.

Board Member D'Alessandro stated he would be glad to sit with the Planner and review these split zones.

a. Close Public Hearing

Motion to close the Public Hearing for the rezone application for Grid #6458-04-695224 – Eyetooth Corporation: Board Member D'Alessandro. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

b. Adopt resolution regarding the zone change

Motion to adopt the resolution regarding the zone change for Grid #6458-04-695224 – Eyetooth Corporation: Board Member D'Alessandro. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

**Resolutions:**

**1. Set Public Hearing for the Establishment of East Fishkill Improvement Area**

Supervisor Hickman stated this item has been tabled.

**2. Amend Building Department Fees**

**RESOLUTION**  
**(AMENDING THE BUILDING DEPARTMENT FEES)**

**WHEREAS**, the Building Department has requested that the Building Department fees be amended; and

**WHEREAS**, the Town Board has reviewed the requested amendment; and

**NOW, THEREFORE, BE IT RESOLVED**, that the proposed amended fee schedule for the Building Department be and hereby is adopted effective immediately.

Motion to amend the Building Department Fees: Board Member Cassidy. Seconded: Board Member Franco. All voted in favor. Motion carried.

**3. Re-Appoint a Member to the Board of Assessment**

**RESOLUTION**  
**(REAPPOINTING A MEMBER TO THE BOARD OF ASSESSMENT REVIEW)**

**WHEREAS**, the Town Assessor has advised that the term of a member of the Board of Assessment Review has expired on September 30, 2016; and

**WHEREAS**, it is the desire of the Town Board to reappoint;

**NOW, THEREFORE, BE IT RESOLVED**, that Ayed Aqeel be and hereby is reappointed to the Board of Assessment Review. The term for his reappointment is from 10/01/2016 to 9/30/2021.

Motion to re-appoint a member to the Board of Assessment: Board Member D'Alessandro. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

**4. Schedule Town Board Meetings for 2017**

**RESOLUTION**  
**(SCHEDULING TOWN BOARD MEETINGS FOR 2017)**

**WHEREAS**, the Town Board has determined to review and schedule meetings in 2017; and

**WHEREAS**, it is the desire of the Town Board to have regularly scheduled meetings;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board shall conduct their monthly workshop and regular meetings per the attached hereto; and

**BE IT FURTHER RESOLVED**, that the attached said meetings shall be held at the Town Hall and shall commence at 7:00 pm.

Motion to schedule the Town Board Meetings for 2017: Board Member Franco.  
Seconded: Board Member Cassidy. All voted in favor. Motion carried.

## **5. Reaffirm Bond for Town Highway Materials**

BOND RESOLUTION DATED DECEMBER 8, 2016.

### RESOLUTION-126/2016

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OF THE TOWN OF EAST FISHKILL, DUTCHESS COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION AND RESURFACING OF VARIOUS ROADS THROUGHOUT AND IN AND FOR SAID TOWN.

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have any significant adverse impact on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital project,  
NOW, THEREFORE,

BE IT RESOLVED by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of East Fishkill, Dutchess County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the reconstruction and resurfacing of various roads throughout and in and for the Town of East Fishkill, Dutchess County, New York, including drainage, sidewalks, curbs, gutters, landscaping, grading or improving rights-of-way, as well

as other incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$400,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid class of objects or purposes is \$400,000, which class of objects or purposes is hereby authorized at said maximum estimated cost, and that the plan of financing thereof is by the issuance of the not to exceed \$400,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen (15) years, pursuant to subdivision 20(c) of paragraph (a) of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said Town of East Fishkill, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the

issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer of said Town. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds herein authorized including date, denominations, maturities, interest payment dates, and whether said bonds shall be repaid in accordance with a schedule providing for substantially level or declining annual debt service, within the limitations prescribed herein and the manner of execution of the same and also including the consolidation with other issues, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this bond resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town, together with a notice of the Town Clerk in substantially the form set forth in paragraph a of Section 81.00 of the Local Finance Law. The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Nicholas D'Alessandro	Voting	Yes
Peter Cassidy	Voting	Yes
Thomas Franco	Voting	Yes
Emanuele Marinaro	Voting	Yes
John Hickman	Voting	Yes

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

Motion to reaffirm the Bond for Town Highway Materials: Board Member D'Alessandro. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

## **6. Accept Roads in Four Corners and Hopewell Glen Subdivisions**

### **RESOLUTION**

#### **(ACCEPTING FOUR CORNERS AND HOPEWELL GLEN SUBDIVISION ROADS)**

**WHEREAS**, the Planning Board previously had approved the Hopewell Glen and Four Corners Subdivisions within the Town; and

**WHEREAS**, the contractors building the same have indicated that certain portions of the roads known as Governors Boulevard, Fenton Way and Hoffman Road in the Hopewell Glen Subdivision are now available for dedication; and

**WHEREAS**, the contractors building the same have indicated that the roads known as Four Corners Boulevard, Bayberry Street, Benton Moore Road, Chestnut Street, Persimmon Place and the intersection of Phillips Bridge/Park Place in the Four Corners Subdivision are now available for dedication; and

**WHEREAS**, it is the desire of the Town Board to accept as certain portions of public highways, Governors Boulevard, Fenton Way and Hoffman Road in the phase 1 of the Hopewell Glen Subdivision and Four Corners Boulevard, Bayberry Street, Benton Moore Road, Chestnut Street, Persimmon Place and the intersection of Phillips Bridge/Park Place in the Four Corners Subdivision; and

**NOW, THEREFORE, BE IT RESOLVED**, that certain portions of Governors Boulevard, Fenton Way and Hoffman Road in the Hopewell Glen Subdivision phase 1 and Four Corners Boulevard, Bayberry Street, Benton Moore Road, Chestnut Street, Persimmon Place and the intersection of Phillips Bridge/Park Place in the Four Corners Subdivision be and hereby is accepted as public highways; and

**BE IT FURTHER RESOLVED**, a Maintenance Bond shall be posted by the Developer of Four Corners in the amount of \$1,499,000 and Hopewell Glen in the amount of \$1,430,700 to insure the work is satisfactory during the guaranty period.

Motion to accept Roads in Four Corners and Hopewell Glen Subdivisions: Board Member Marinaro. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

## **7. Acknowledge for hire for the Highway Department**

### **RESOLUTION**

#### **(ACKNOWLEDGE HIRING OF SEASONAL LABORER FOR HIGHWAY DEPARTMENT)**

**WHEREAS**, the Highway Superintendent has hired Mike Cicero as a Full-time Laborer for Recreation, and

**WHEREAS**, the Highway Superintendent has submitted a memo to the Town Board; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby acknowledge the hiring of Mike Cicero as a Full-time Laborer in Recreation with a pay of \$18.03 per hour.

**BE IT FURTHER RESOLVED**, that Mike will start full-time on December 11, 2016.

Motion to acknowledge the hire for the Highway Department: Board Member Franco.  
Seconded: Board Member Cassidy. All voted in favor. Motion carried.

**Budget Transfers:**

Supervisor Hickman stated there were no budget transfers this evening.

**Take Public Comments on General Town Issues:**

Supervisor Hickman asked if there was anybody in the audience who would like to speak on general Town issues.

Robert Grasso asked about speed humps. Attorney Wood stated he will have a report for the Board in January.

Mary Ellen Smolinsky had questions regarding “paper roads”. Attorney Wood gave the definition of a “paper road”. The Town has no authority over it.

Bill Green thanked the East Fishkill Rotary for putting on a great Christmas party at the Community Center. He also thanked Frank Augusta for his years of service.

A resident from Worley Homes read a letter to the town regarding acquisition of the water system. Supervisor Hickman stated he has spoken with the Town Engineer regarding ways to connect to the system. Not only is the quality of water an issue, but so is the water pressure. He asked if the owner of the system had been spoken with. Felicia Walker from Worley Homes spoke about the issues with the water systems.

Don from Worley Homes had questions about the water system.

Highway Superintendent McClellan stated he spoke with some of the owners of the Hopewell Service Corp. He believes they have started marking their valving

because they know that he is aiming to pave the roads in 2017. Since the funding for that was not approved, they may not be moving forward with their portion.

**Comments from Town Board Members:**

Board Member D'Alessandro thanked all the employees for another year of hard work and dedication. He wished everyone happy holidays and New Year. He stated he appreciates e-mails and calls from residents.

Board Member Franco wished everyone a Merry Christmas. He stated Frank Agusta will be missed.

Board Member Cassidy wished everyone a Merry Christmas and Happy New Year. He thanked everyone who keeps the town going.

Board Member Marinaro thank the whole community and wished everyone a Merry Christmas and Happy New Year. He thanked the town employees, Police Department, and fire volunteers. They all do a great job.

Supervisor Hickman wished everyone a Merry Christmas, Happy Hanukkah, Happy Kwanzaa, and a safe and happy new year.

**Motion for Adjournment: Time:** Motion to adjourn the regular meeting at 7:49 PM: Board Member Cassidy. Seconded: Board Member D'Alessandro. All voted in favor. Motion carried.

**Town Board Re-Organizational Meeting:**

**January 12, 2017**

Respectfully Submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray  
- December 21, 2016